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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Robert A. BOTHAM et al. §	Confirmation No.: 6075
	§	
Serial No.:	09/997,340 §	Group Art Unit: 3627
	§	
Filed:	11/29/2001 §	Examiner: Andrew J. Fischer
	§	
For:	Method For Receiving §	Docket No.: 200302166-1
	And Reconciling Physical §	
	Inventory Data Against §	
	An Asset Management §	
	System From A Remote §	
	Location §	

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office facsimile number (571) 273-8300.

Date of facsimile: 06/30/2006

Typed Name: Mark E. Scott

Signature:

RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)

Mail Stop Appeal Brief – Patents   June 30, 2006
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated June 15, 2006, Appellants submit a complete new Appeal Brief. In said Notice, the Examiner objected to Appellants' Appeal Brief filed February 14, 2006, because it allegedly "fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. § 112, sixth paragraph... (37 CFR 41.37(c)(1)(v))" and "does not contain copies of the evidence submitted... (37 CFR 41.37(c)(1)(ix))." A new Appeal Brief is submitted herewith that comports with these rules.

Respectfully submitted,

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APPEAL BRIEF

Mail Stop Appeal Brief – Patents   Date: June 30, 2006
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In Response to the Notice dated June 15, 2006, Appellants hereby resubmit this Appeal Brief in connection with the above-identified application. A Notice of Appeal was filed on October 27, 2004. An Amendment after Final was filed October 26, 2004.

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Reply to Notice of Non-Compliance of June 15, 2006

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I.   REAL PARTY IN INTEREST

The real party in interest is the Hewlett-Packard Development Company (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas, through its merger with Compaq Computer Corporation (CCC) which owned Compaq Information Technologies Group, L.P. (CITG).   The Change of Name document from CITG to HPDC was recorded on May 12, 2004, at Reel/Frame 014628/0103.

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II.   **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals or interferences.

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III.   STATUS OF THE CLAIMS

Originally filed claims:	1-39.
Claim cancellations:	24, 28, 33 and 36.
Added claims:	None.
Presently pending claims:	1-23, 25-27, 29-32, 34, 35 and 37-39.
Presently appealed claims:	1-23, 25-27, 29-32, 34, 35 and 37-39.

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IV.   STATUS OF THE AMENDMENTS

A proposed Amendment after Final was filed October 26, 2004; however, the Examiner refused entry of the amendment.

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V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The Specification is directed to a method of receiving and reconciling physical inventory data against an asset management database.[1] Some of the illustrative embodiments are a method comprising taking a physical inventory[2], creating raw inventory data[3], transferring the raw inventory data to a web server[4], converting the raw inventory data into an intermediate database[5], creating a copy of the asset management database[6], reconciling records in the intermediate database against corresponding records in the copy of the asset management database by way of a web browser[7], and updating the asset management database with records accepted during the reconciling step.[8] The advantage of such a method is that reconciling physical inventory may be completed in less time than related art methods.[9]

Other illustrative embodiments may be a method comprising scanning with a hand held scanner bar codes identifying locations and bar codes identifying assets to create inventory data[10], transferring the inventory data from the hand held scanner to a web server[11], converting the inventory data into an intermediate database[12], making a copy of the asset management database available on the

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[1] (Specification Title).

[2] (Specification Paragraph [0007], lines 9-10). Hereinafter, each cite to the specification has the format ([paragraph(s)], [lines numbers within the paragraph(s)]) as a shorthand notation.

[3] ([0018], line 1- [0020], line 6; [0024], lines 1-2).

[4] ([0020], lines 3-6; [0021], lines 1-8).

[5] ([0024], lines 2-4).

[6] ([0026], lines 1-2).

[7] ([0027], lines 1-3).

[8] ([0030], lines 1-2).

[9] ([0009], lines 1-7).

[10] ([0018], lines 12-16; [0019], lines1-3).

[11] ([0020], lines 3-6; [0021], lines 1-8).

[12] ([0024], lines 2-4).

web server[13], reconciling records in the intermediate database against corresponding records in the copy of the asset management database on the web server by way of a web browser[14], and updating the asset management database with records accepted during the reconciling step.[15] The advantage of such a method is that reconciling physical inventory may be completed in less time than related art methods.[16]

Yet other illustrative embodiments may be a method comprising placing identifying indicia on each location code in the asset management database[17], taking the physical inventory using a portable bar code scanning device that saves physical inventory data in a data file within the portable bar code scanning device[18], transferring the data file to a web server[19], transforming the data file into an intermediate database[20], reconciling records of the intermediate database against corresponding records in the asset management database[21], writing location codes, associated with assets, to the asset management database without the identifying indicia[22], and identifying assets not found during the physical inventory in the asset management database by identifying location codes having the identifying indicia.[23] The advantage of such a method is that after reconciling physical inventory, assets not found are easily identified.[24]

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[13] ([0026], lines 1-8).

[14] ([0027], lines 1-3).

[15] ([0030], lines 1-2).

[16] ([0009], lines 1-7).

[17] ([0034], lines 1-2).

[18] ([0007], lines 9-10; [0018], 12-16).

[19] ([0020], lines 3-6; [0021], lines 1-8).

[20] ([0024], lines 2-4).

[21] ([0027], lines 1-3).

[22] ([0034], lines 3-5).

[23] ([0034], lines 5-11).

[24] ([0010], lines 11-15).

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VI.　GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-23, 25-27, 29-32, 34, 35 and 37-39 are patentable under 35 U.S.C. § 103(a) over Christenson (U.S. Pat. No. 6,662,193) in view of Call (U.S. Pat. No. 6,154,738).

Whether the drawing figures fail to show every feature of the claimed invention.

Whether the refusal to enter the proposed after-final amendments was an abuse of discretion.

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VII. ARGUMENT

A. Claims 1-23 and 25-28.

Claims 1-23 and 25-28 stand rejected as allegedly obvious over Christenson in view of Call. Claim 1 is representative of this group of claims. This grouping is for purposes of this appeal only, and should not be construed to mean the patentability of any of the claims may be determined, in later actions before a court, based on the grouping. Rather, the presumption of 35 U.S.C. § 282 shall apply to each claim individually.

Christensen is directed to methods and systems for manipulating a database through portable data entry devices.[25] Christensen's Figure 3, reproduced immediately below, is illustrative of the Christensen system.

FIG. 3

In the Christensen system, portions of the data from a main database 240 are transferred into a portable data entry device 230 through a data control module 210 and a data manipulation module 220.

> In general, many existing databases 240 and database management systems 242 are capable of generating data file 246 or providing the appropriate application programming interface (API) that allows direct communication with database management system 242 and database 240... .[26]
>
> ...
>
> FIG. 4 depicts the processes and methodology for transferring data maintained in the storage module 210 to PDA module 230 through data manipulation module 220.[27]

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[25] Christensen's Title.

[26] Christensen Col. 8, lines 13-17.

[27] Christensen Col. 10, lines 25-27.

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After a portion of the data is transferred from the database 240 to the PDA 230, updating of the data takes place as it exists in the PDA 230.

> Data prepared by preparation module 258 is delivered to and from PDA module 230. ...
> Data received by data manipulation module 266 [of the PDA 230] **is maintained within the data collection module 268** [of the PDA 230]. Data collection module 268 functions to both store the required data for inventor updating, while storing any updated information that a user may input through user interface 270.[28]

After updating, updated data is returned to be reconciled against data within database 240.

> FIG. 5 represents the flow of updated data, beginning with data in a PDA data structure that passes through manipulation module 220 to be transmitted to storage module 210.[29]

> Once updating is complete ... the data is prepared, such as compressed as encrypted n preparation for and transmittal to the manipulation module 220 ... . Manipulation module 220, upon receiving the data in PDA data structure form, converts the data into database data structure form ... . **Upon conversion of the data, a reconciliation of the updated data with data contained within database 240 occurs ... .**[30]

It is not until after the data from the PDA is reconciled against the database 240 that the reconciled data is transferred to data file 246, and then written to the database 240.

> Once all necessary or specified reconciliation activities are performed the updated data is prepared and delivered to data file 246. ...
> The data contained within data file 246 is retrieved by, alternatively, portions of enterprise resource planning application 244 and/or database management system 242, such that the associated database engine may store and update database 240... .[31]

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[28] Christensen Col. 9, lines 31-52 (emphasis added).

[29] Christensen Col. 10, lines 27-30.

[30] Christensen Col. 12, lines 6-13 (emphasis added).

[31] Christensen Col. 12, lines 23-36.

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Call is relied upon only for a teaching of a Web based system to transfer information.

Illustrative claim 1, by contrast, specifically recites, "taking a physical inventory creating raw inventory data; transferring the raw inventory data to a web server; converting the raw inventory data into an intermediate database; creating a copy of the asset management database; reconciling records in the intermediate database against corresponding records in the copy of the asset management database by way of a web browser; and updating the asset management database with records accepted during the reconciling step." The Office action relies on the portion of Christensen's database transferred to the PDA as both the claimed intermediate database[32] and the copy of the asset management database.[33] Inasmuch as the illustrative claim calls for a separate intermediate database and copy of the main asset management data base, and further calls for "reconciling records in the intermediate database against corresponding records in the copy of the asset management database," the intermediate database and the copy of the asset management database cannot be the same database. For this reason alone, the rejection of the grouping of claims represented by illustrative claim 1 over Christensen and Call should be overturned.

Further with regard to Christensen and Call, if data transferred to the data manipulation module 220 by the PDA module 230 is the claimed intermediate database (which Appellants do not admit), and if data in Christensen's data file 246 is the claimed copy of the asset management database (again which Appellants do not admit), Christensen and Call still fail to teach "reconciling records in the intermediate database against corresponding records in the copy of the asset management database." In fact, Christensen teaches away from such a system by expressly teaching reconciling against the main asset

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[32] Office action dated July 28, 2004, paragraph 8.

[33] Office action, paragraph 8.

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database 240[34], and by writing reconciled data to the data file 246 before writing the data to the main database.[35] For this additional reason, the rejection of the grouping of claims represented by illustrative claim 1 over Christensen and Call should be overturned.

Further with regard to the proposed combination of Christensen and Call, the Manual of Patent Examining Procedures (MPEP) provides guidance as to when a combination is improper.

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.[36]

In Christensen, a portion of the main database 240 is transferred to the PDA 230.[37] Illustrative claim 1, by contrast, specifically recites, "transferring the raw inventory data to a web server; converting the raw inventory data into an intermediate database; creating a copy of the asset management database; reconciling records in the intermediate database against corresponding records in the copy of the asset management database by way of a web browser ... ." Because the intermediate database exists on the web server, and further because reconciling is with respect to the intermediate database and the copy of the asset management database, it is clear that illustrative claim 1 does not transfer the copy of the asset management database to the location of the raw inventory data. To non-textually modify Christensen to, in combination with Call, render obvious the limitations of illustrative claim 1 changes the principle of operation of Christensen of sending a portion of the main database 240 all the way to the PDA 230, and back again. For this additional reason, the rejection of the grouping of claims represented by illustrative claim 1 over Christensen and Call should be overturned.

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[34] Chrisentsen Col. 12, lines 6-13.

[35] Christensen Col. 12, lines 23-36.

[36] MPEP § 2143.01 (emphasis original).

[37] Christensen Col. 8, lines 13-17; Col. 10, lines 25-27.

Based on the forgoing, Appellants respectfully submit that Christensen taken with Call do not teach or fairly suggest the limitations of the claims represented by illustrative claim 1 and that the rejection of the Office action be reversed and the claims of this grouping set for issue.

B.   Claims 29-32, 34-35 and 37-39

Claims 29-32, 34-35 and 37-39 stand rejected as allegedly obvious over Christenson in view of Call. Claim 34 is representative of this group of claims. This grouping is for purposes of this appeal only, and should not be construed to mean the patentability of any of the claims may be determined, in later actions before a court, based on the grouping. Rather, the presumption of 35 U.S.C. § 282 shall apply to each claim individually.

Illustrative claim 34 specifically recites, "placing identifying indicia on each location code in the asset management database; taking the physical inventory using a portable bar code scanning device that saves physical inventory data in a data file within the portable bar code scanning device; transferring the data file to a web server; transforming the data file into an intermediate database; reconciling records of the intermediate database against corresponding records in the asset management database; writing location codes, associated with assets, to the asset management database without the identifying indicia; and identifying assets not found during the physical inventory in the asset management database by identifying location codes having the identifying indicia." The advantage of such a method is that after reconciling physical inventory, assets not found are easily identified by looking for assets in the main asset management database still having the identifying indicia.[38] No citation is made to either Christensen or Call regarding "placing identifying indicia on each location code in the asset management database," or "writing location codes, associated with assets, to the asset management database without the identifying indicia; and identifying assets not found during the physical inventory in the asset management database by identifying location codes having the identifying indicia." Thus, the Office action

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[38] ([0010], lines 11-15).

fails to make a *prima facie* case of obviousness with respect to the grouping of claims represented by illustrative claim 34.

Based on the forgoing, Appellants respectfully submit that Christensen taken with Call do not teach or fairly suggest the limitations of the claims represented by illustrative claim 34, and that the rejection of the Office action be reversed and the claims of this grouping set for issue.
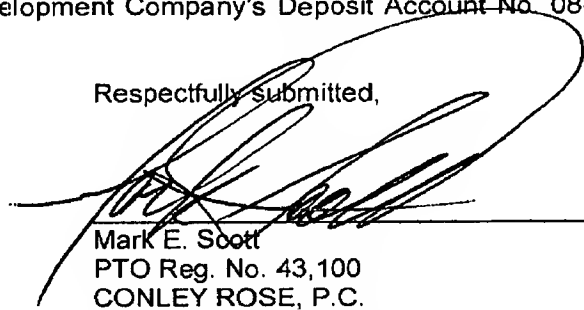
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VIII.   CONCLUSION

For the reasons stated above, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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IX.   CLAIMS APPENDIX

1.   (Original) A method of reconciling physical inventory against an asset management database, the method comprising:

    taking a physical inventory;

    creating raw inventory data;

    transferring the raw inventory data to a web server;

    converting the raw inventory data into an intermediate database;

    creating a copy of the asset management database;

    reconciling records in the intermediate database against corresponding
        records in the copy of the asset management database by way of a
        web browser; and

    updating the asset management database with records accepted during
        the reconciling step.

2.   (Previously presented) The method as defined in claim 1 wherein taking physical inventory and creating raw inventory data further comprises, with a hand held bar code scanning device:

    scanning a location code;

    scanning assets codes associate with that location code;

    repeating the scanning step at a plurality of locations and for a plurality of
        assets codes;

    storing the location codes and the asset codes in the hand held bar code
        scanning device.

3.   (Previously presented) The method as defined in claim 2 wherein storing the location codes and the asset codes in the hand held bar code scanning device further comprises storing the location codes and the asset codes in a file in the hand held bar code scanner.

4.   (Previously presented) The method as defined in claim 3 wherein storing the location codes and asset codes in a file further comprises storing the location codes and asset codes in a comma delimited ASCII text file.

5.   (Previously presented) The method as defined in claim 3 wherein transferring the raw inventory data to a web server further comprises copying the file to a web server using a file transfer protocol (FTP) program.

6.   (Previously presented) The method as defined in claim 3 wherein transferring the raw inventory data to a web server further comprises;

        moving the file to an intermediate device; and then

        copying the file from the intermediate device to the web server.

7.   (Previously presented) The method as defined in claim 6 wherein moving the file to an intermediate device further comprises broadcasting the file using electromagnetic waves.

8.   (Previously presented) The method as defined in claim 6 wherein moving the file to an intermediate device further comprises:

        copying the file to a storage device; and then

        copying the file from the storage device to the intermediate device.

9.   (Previously presented) The method as defined in claim 8 wherein copying the file to a storage device further comprises copying the file to a floppy disk.

10.   (Previously presented) The method as defined in claim 6 wherein moving the file to an intermediate device further comprises moving the file to a computer system having an internet connection.

11.   (Previously presented) The method of as defined in claim 1 wherein converting the raw inventory data into an intermediate database further comprises

converting the raw inventory data into a structured query language (SQL) format database having fields for location codes and associated asset codes.

12. (Previously presented) The method as defined in claim 11 further comprising creating additional fields associated with each asset code to identify a person who performs the reconciliation step.

13. (Previously presented) The method as defined in claim 1 wherein reconciling records in the intermediate database against corresponding records in the copy of the asset management database by way of a web browser further comprises:

> invoking a web browser program;
>
> entering a user identification;
>
> entering a password;
>
> displaying corresponding records between the intermediate database and
> > the copy of the asset management database;
>
> reconciling the corresponding records creating reconciled records; and
>
> marking at least some of the reconciled records as accepted.

14. (Previously presented) The method as defined in claim 13 wherein invoking a web browser program further comprises invoking an Internet Explorer® web browser.

15. (Previously presented) The method as defined in claim 13 wherein displaying corresponding records between the intermediate database and the copy of the asset management database further comprises:

> displaying a record from the intermediate database based on an asset
> > code; and
>
> displaying a record from the copy of the asset management database
> > based on the asset code.

16.   (Previously presented) The method as defined in claim 13 wherein updating the asset management database with records accepted during the reconciling step further comprises copying to the asset management database reconciled records marked as accepted.

17.   (Previously presented) The method as defined in claim 1 wherein taking a physical inventory further comprises taking a physical inventory of computer assets.

18.   (Previously presented) A method of taking a physical inventory and reconciling the physical inventory against an asset management database, the method comprising:

> scanning with a hand held scanner bar codes identifying locations and bar codes identifying assets to create inventory data;
>
> transferring the inventory data from the hand held scanner to a web server;
>
> converting the inventory data into an intermediate database;
>
> making a copy of the asset management database available on the web server;
>
> reconciling records in the intermediate database against corresponding records in the copy of the asset management database on the web server by way of a web browser; and
>
> updating the asset management database with records accepted during the reconciling step.

19.   (Previously presented) The method as defined in claim 18 wherein scanning with a hand held scanner bar codes identifying locations and bar codes identifying assets further comprises:

> scanning a plurality of bar codes identifying locations; and
>
> scanning a bar code identifying at least one asset associated with each location.

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20.   (Previously presented) The method as defined in claim 19 wherein creating inventory data further comprises storing the bar codes identifying the locations and also storing the bar codes identifying assets in a file in the hand held scanner.

21.   (Previously presented) The method as defined in claim 20 wherein transferring the inventory data from the hand held scanner to a web server further comprises transferring the file from the hand held scanner to the web server.

22.   (Previously presented) The method as defined in claim 21 wherein transferring the file from the hand held scanner to the web server further comprises transferring the file using a file transfer protocol (FTP) program.

23.   (Previously presented) The method as defined in claim 21 wherein transferring the file from the hand held scanner to the web server further comprises;

>   transferring the file from the hand held scanner to an intermediate device; and

>   transferring the file from the intermediate device to the web server using the FTP protocol.

24.   (Cancelled).

25.   (Previously presented) The method as defined in claim 23 wherein transferring the file from the hand held scanner to the intermediate device further comprises:

>   copying the file to a disk; and then

>   copying the file from the disk to the intermediate device.

26.   (Previously presented) The method as defined in claim 23 wherein transferring the file from the hand held scanner to the web server further comprises;

> transferring the file from the hand held scanner to a laptop computer; and
> transferring the file from laptop computer to the web server using the FTP protocol.

27.   (Previously presented) The method as defined in claim 18 wherein converting the inventory data into an intermediate database further comprises converting the inventory data into a structured query language (SQL) database resident on the web server.

28.   (Cancelled).

29.   (Previously presented) The method as defined in claim 18 further comprising, before the step of making a copy of the asset management database, placing an identifying indicia on a portion of each record in the asset management database.

30.   (Previously presented) The method as defined in claim 29 wherein updating the asset management database with records accepted during the reconciling step further comprises writing the updated records without the identifying indicia.

31.   (Previously presented) The method as defined in claim 30 further comprising, after reconciling is complete:

> searching the asset management database for records having the identifying indicia; and thereby
> identifying assets that were not found during the physical inventory.

32.   (Previously presented) The method as defined in claim 29 wherein placing an identifying indicia on a portion of each record in the asset management database further comprises appending a code to the end of each seat code.

33.   (Cancelled).

34.   (Previously presented) A method of reconciling a physical inventory of assets against an asset management database and identifying assets not located in the physical inventory, the method comprising:

    placing identifying indicia on each location code in the asset management
        database;

    taking the physical inventory using a portable bar code scanning device
        that saves physical inventory data in a data file within the portable
        bar code scanning device;

    transferring the data file to a web server;

    transforming the data file into an intermediate database;

    reconciling records of the intermediate database against corresponding
        records in the asset management database;

    writing location codes, associated with assets, to the asset management
        database without the identifying indicia; and

    identifying assets not found during the physical inventory in the asset
        management database by identifying location codes having the
        identifying indicia.

35.   (Previously presented) The method as defined in claim 34 wherein placing identifying indicia on each location code in the asset management database further comprises appending a code to the end of each location code.

36.   (Cancelled).

37.   (Previously presented) The method as defined in claim 34 wherein taking the physical inventory using a portable bar code scanning device that saves physical inventory data in a data file within the portable bar code scanning device further comprises, at a plurality of locations:

    scanning a location code that uniquely identifies the location; and
    scanning at least one asset code of an asset at the location.

38.   (Previously presented) The method as defined in claim 34 wherein transferring the data file to a web server further comprises:

    coupling the portable bar code scanning device to an internet connection; and
    transferring the data file to the web server using an FTP program.

39.   (Previously presented) The method as defined in claim 34 wherein reconciling records of the intermediate database against corresponding records in the asset management database further comprises:

    making a copy of the asset management database residing on the web server;
    reconciling records in the intermediate database against corresponding records in the copy of the asset management database.

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X.   EVIDENCE APPENDIX

None.

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XI.   RELATED PROCEEDINGS APPENDIX

None.

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